

WPS

October 29, 1985

Mr. John R. Nixon, P.E.
Regional Administrator
Springfield Regional Office
Missouri Department of Natural Resources
1155 East Cherokee Street
Springfield, Missouri 65807

OCT 30 1985

Dear John:

A number of years ago we brought to the attention of the local office of the Department of Natural Resources our concern about some waste oil containers located immediately west of the Glenstone viaduct and on basically the south side of the Upper Jordan Creek.

A recent inspection of this area continues to concern us as to the potential hazard because of the location of these containers. This is all on private property as the City has no easement for the Upper Jordan Creek, nor are there any City streets in this area. Certainly this material needs to be cleaned up and removed. This office would be glad to discuss this situation with you to determine the best course of action that you feel should be taken.

Very truly yours,

David G. Snider, P.E.
Director of Public Works

DGS/ec

JOHN ASHCROFT
Governor

FREDERICK A. BRUNNER
Director



DEC 3 1985

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks and
Historic Preservation

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

Springfield Regional Office
1155 East Cherokee Street
Springfield, MO 65807
417-883-4033

1.000 Springfield

December 2, 1985

Cunningham Equipment
1735 E. Trafficway
Springfield, MO 65802

Gentlemen:

On November 26, 1985, I observed a number of small containers of hydraulic fluid and one large rectangular tank containing an unidentified oil on property owned by you at the above address. These containers are located in and near a tributary of Jordan Creek between the railroad tracks and Jordan Creek. It is a violation of Department of Natural Resources regulations to place pollutants in a place where they are reasonably certain to enter the creek. Please remove the containers and tank from the creek channel and place them in a secure location.

Your cooperation in this matter will be appreciated.

Sincerely,

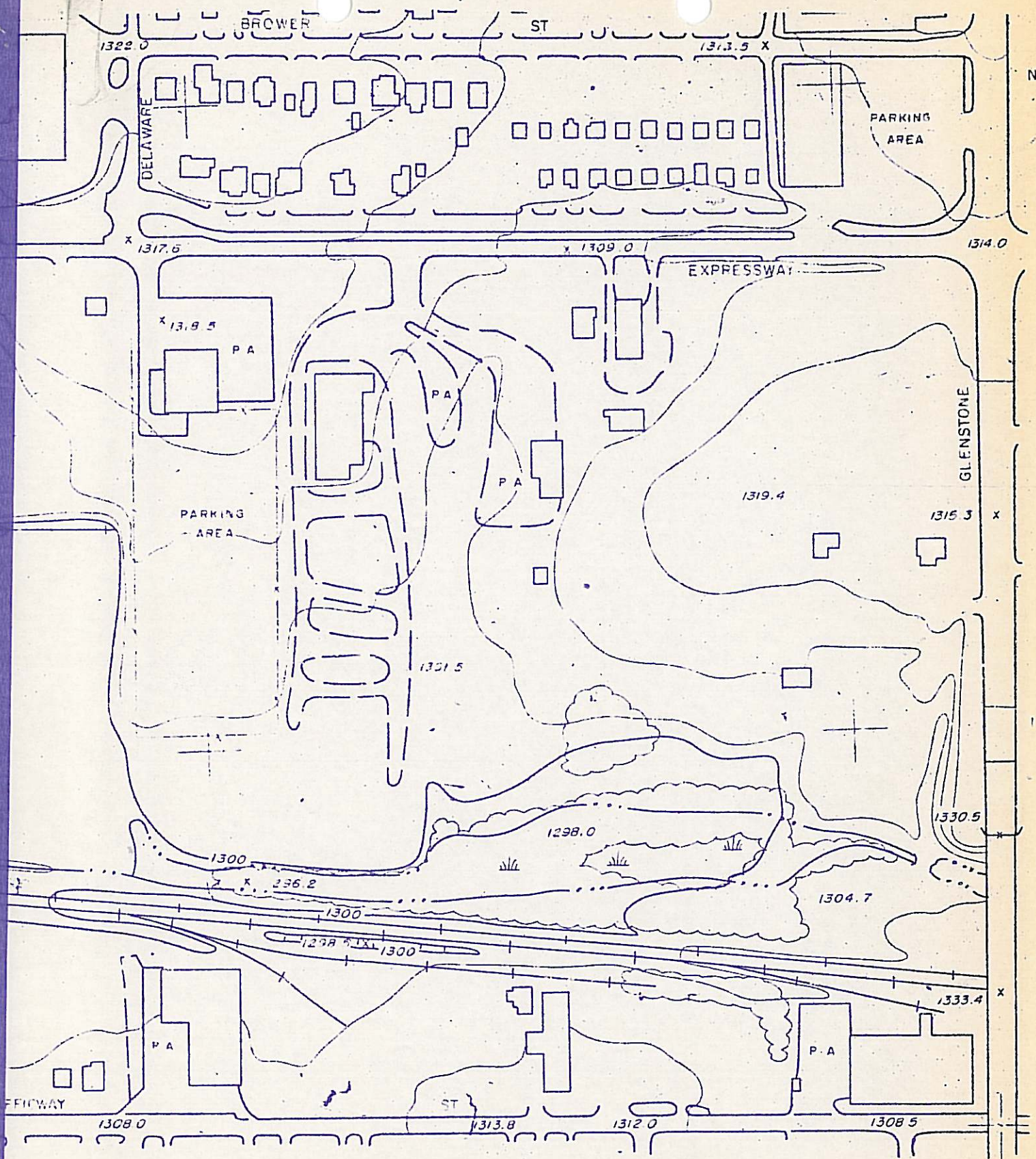
SPRINGFIELD REGIONAL OFFICE

David Cavender
Environmental Specialist

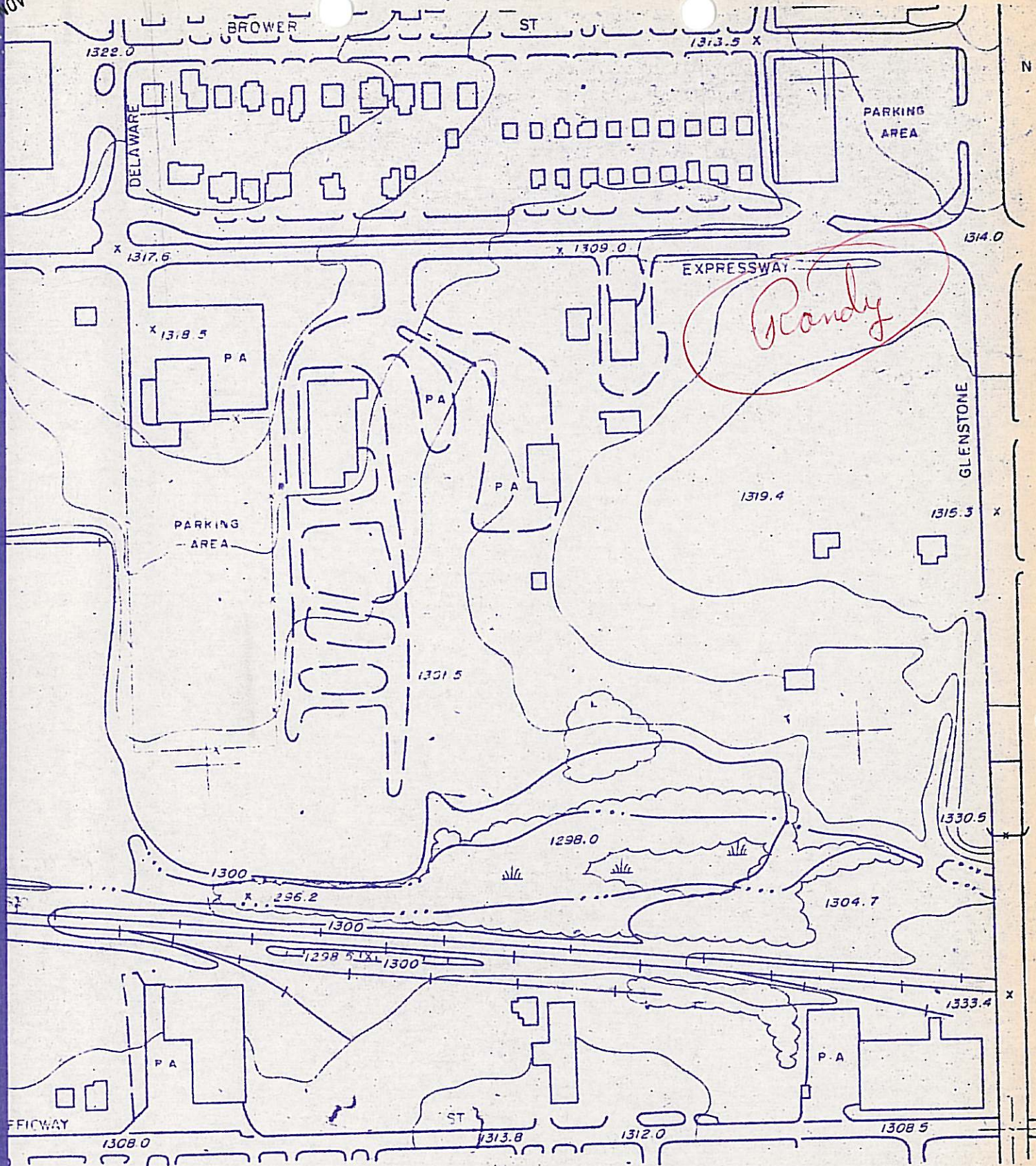
DC:jh

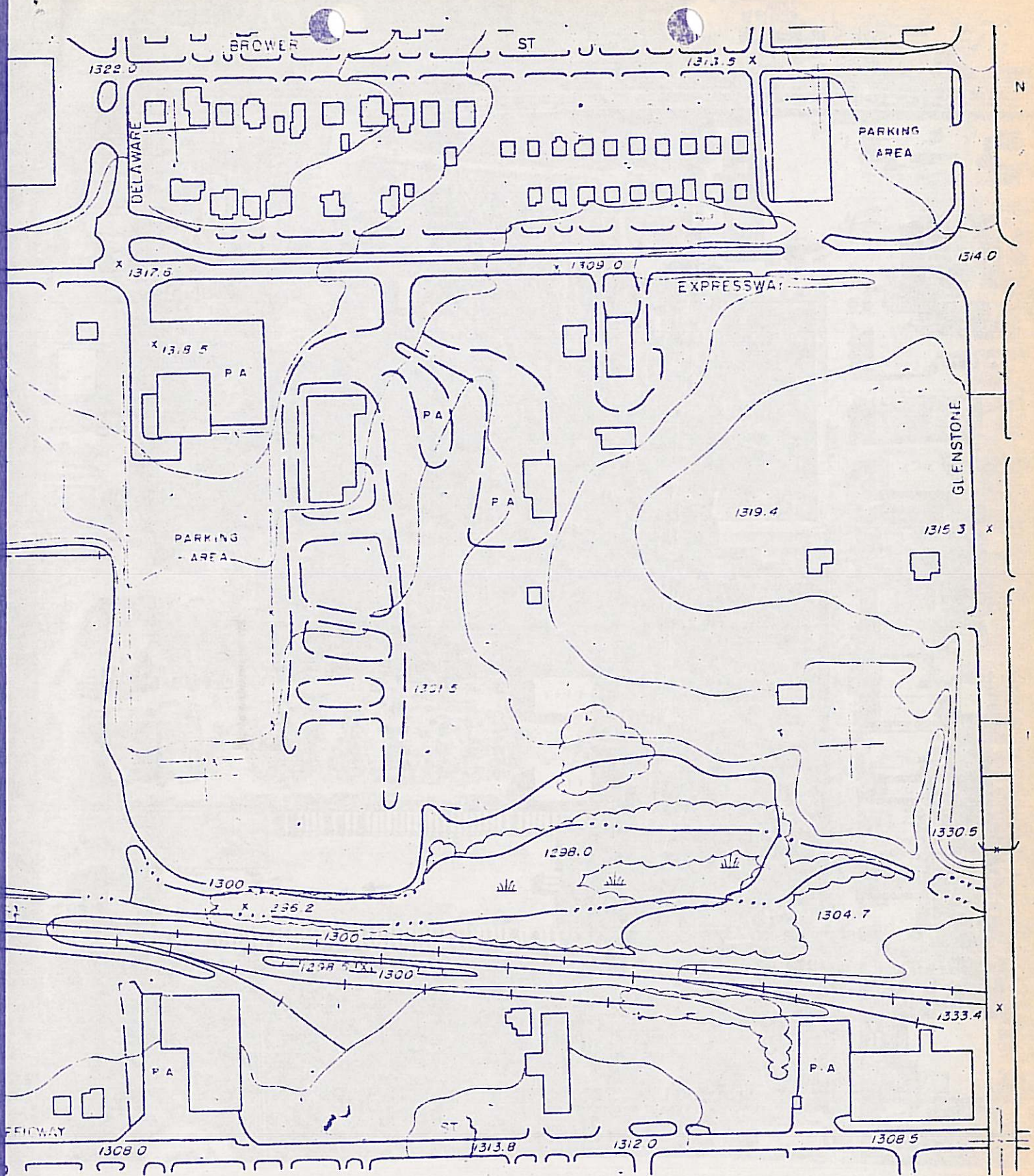
bcc: Mr. Randy Lyman, Springfield Public Works

1735 E. TRAFFICWAY



NOV 4 1950







DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS
Commander (dj)
Second Coast Guard
District
1430 Olive Street
St. Louis, MO 63103
Tel. (314) 425-4655

2P97458
JAN 28 1981

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James O. Donoho
1735 East Trafficway
Springfield, MO 65802

RE: Water Pollution Case 2P97458
In the matter of
James O. Donoho,
party.

Dear Mr. Donoho:

I have reviewed the case file together with the matter presented in your letter of 6 January 1981 and in person on 19 January 1981. I find the evidence is insufficient to prove a violation of 33 USC 1321(b)(3). The charge is dismissed and the case is remanded to the District Commander.

This dismissal is without prejudice to the District Commander's right to refile the case and have it reheard if additional evidence is obtained.

Sincerely,

T. R. GRANT
Captain, U. S. Coast Guard
Hearing Officer

Copy:
EPA VII (79-100)
MO DNR
CGDTWO (fac-1)

*elements: ① discharge ② from Δ's property, ③ into or upon
navigable waters ④ in harmful quantities as defined in reg's, ⑤ of
oil or hazardous substances
lang ^{see reg's}*

1735 E. TRAFFICWAY

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Mr. Harry Criswell
Chief, Water Pollution Control
1216 West Nichols
Springfield, Missouri 65802



To Randy
Date 7 Time 10:40 By

While You Were Out

Mr. George Mammill
of Seil Conv.

☒ Telephoned ☐ Called to See You
☐ Will Call Again ☐ Wants to See You
☒ Please Call Him ☐ Rush!

Phone

Message

call him at 1:30

881-5102

CONS. DEPT. HAS NO REPORT. HAD
NO GREER CO. AGENT AT TIME OF
SPILL. CALLED CRISWELL ABOUT
COMPLAINT.

copy

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Howard C. Wright, Jr.
DEPARTMENT City Attorney

DATE January 19, 1982

Re: Oil Spill Cleanup - Cunningham Equipment Company

Attached please find billing data, correspondence and other information concerning collection of this account. It is obvious from conversations Mr. Cunningham had with a number of persons, Water Pollution Control Personnel, Dave Snider, and Dwight Rahmeyer, that Mr. Cunningham does not intend to voluntarily pay this bill. Would you please give us some assistance on collection of this account.

If you have any questions concerning this matter, please contact me.

/cc

Attachments

SIGNED

1735 E. TRAFFICWAY

Robert R. Schaefer, P.E.
Superintendent of Sanitary Services

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Memo to File

DATE 9-17-80

DEPARTMENT _____

This was hydraulic oil. It was very thick
at point of collection. There was rain all the
way down to Walnut. Had a complaint from
a man at that location that it had killed
Crawdads.

SIGNED E. Chandler
1735 E. TRAFFICWAY

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY

MEMORANDUM

7310

TO Spill File FROM Larry Childress *JAC*

SUBJECT Spill of Hydraulic Fluid at Cunningham Equipment Co DATE March 2, 1979

On March 2, 1979 at approximately 10:30 a.m. I met Randy Lyman (Springfield Sanitary Services) at Cunningham Equipment Company at 1731 E. Trafficway in Springfield, Missouri. We talked to Mr. Donoho of the company about the spill from their 11,500 gallon hydraulic fluid storage tank. He said he did not know how much had leaked from the tank. He estimated one barrel. We looked at the area of the spill just northeast of the tank. There were two areas where the fluid had ponded. It appeared to be much more than one barrel of spillage. Randy Lyman and myself estimated 200 gallons. We asked Mr. Donoho if he could pump up the fluid in the ponded areas. He said he would try to do it that day. Randy Lyman said the city had installed a barrier and absorbant material in the creek below the tank and it was containing most of the fluid that was floating down the creek. Randy said he would check back in the afternoon to see if the fluid had been removed.

cc: Mr. Steve Townley

1735 E. TRAFFIC WAY

SPILL REPORT

DATE 2 Mar 79

LOCATION:

Cunningham Equipment Co.
1731 E. Trafficway
Spfd, Mo.

AMOUNT:

approx 200 gallons (estimated by Randy Lyman
and Larry Childers)

NATURE OF MATERIAL SPILLED:

Hydraulic Fluid

DISTANCE TO STREAMS:

approx 200 feet

CALLER:

STEVE TOWNLEY

COMPANY:

Co. of D.N.R.

PHONE NUMBER:

—

EPA EMERGENCY NUMBER: 816-374-3778

1735 E. Trafficway

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY

MEMORANDUM

Spill
TO 7.310 Greene County **FROM** Larry Childress
SUBJECT Cunningham Equipment Company **DATE** April 13, 1979

Had call from City Water Pollution Office yesterday about 2:00 p.m..
Randy Lyman wanted me to meet him at Cunningham Equipment. Met him
and owner and looked at place of previous spill of hydraulic fluid.
The dike and pond that he had constructed around the large tank was
flooded and hydraulic fluid was being washed away. The amount was
unknown, but it appeared to be a fairly large volume, from the amount
that was spread over the water and the amount that was floating
downstream.

LC:jh

1735 E. TRAFFICWAY

To

Spencerham & Spill
Spencerham

Date

Time

By

While You Were Out

Mr.

11-7-79

of

☐ Telephoned

☐ Called to See You

☐ Will Call Again

☐ Wants to See You

☐ Please Call Him

☐ Rush!

Phone

On this date talked

Message

w/ Dewight -

He is checking (Emerson
Transfiling) on suit to

collect. Dewight says

its pretty obvious that

from talking w/ Spencerham

that he doesn't intend to

voluntarily pay.

1735 C. TRAF

April 24, 1979

CERTIFIED MAIL
Receipt No. 928240

Mr. Jim Donoho, Manager
Cunningham Equipment Company
1735 East Trafficway
Springfield, Missouri 65802

Dear Sir:

Enclosed please find a copy of the letter sent to you requesting payment of the costs incurred by the City of Springfield for cleanup of an oil spill (3-2-79) from an oil storage tank at your facility. Also, please find the enclosed itemized bill.

Some forty (40) days have passed since this bill was sent to you and as of the writing of this letter the City has not yet received payment for these expenses. Please be advised that this matter will be turned over to the City Attorney for appropriate action if this office does not receive payment in full within fifteen (15) days from the date of this letter.

If you have any questions, please feel free to call.

Yours truly,

J. Randall Lyman
Water Pollution Control Inspector III
Surveillance and Enforcement

JRL:pg

Enclosures

cc: ✓ Robert R. Schaefer, Superintendent of Sanitary Services
Howard Wright, City Attorney

1735 E. TRAFFICWAY

March 6, 1979

CERTIFIED LETTER
Receipt No. 928209

Mr. Jim Donoho, Manager
Cunningham Equipment Company
1735 East Trafficway
Springfield, Missouri 65802

Dear Sir:

On Thursday, March 1, 1979, personnel from this office responded to a complaint concerning oil in Jordan Creek at Fort Street. After tracing back upstream it was found that the material was apparently entering the south branch of Jordan Creek from your property. Further inspection revealed that the material appeared to be hydraulic oil leaking from a large tank on your property.

At about 2:15 p.m., I contacted a secretary in your office and informed her of the problem and gave her the telephone numbers of the U.S. Environmental Protection Agency and the Missouri Department of Natural Resources and informed her of the requirements under the law for reporting spills.

At 8:30 a.m., March 2, 1979, I received a call from you indicating that you believed the leak was from a burst fitting on the west end and bottom of the tank and you were trying to get it repaired. At 8:45 I received a call from Mr. Bill Pedicino of the U.S. Environmental Protection Agency in Kansas City, Missouri, who indicated that you had reported that 25-50 gallons had been spilled. I told him that I would return to the scene with a representative of the Missouri Department of Natural Resources.

At 10:00 a.m., March 2, 1979, I met Mr. Larry Childress of the Missouri Department of Natural Resources at the spill site. We advised you that you should contain the spillage and asked you if there was any way you could contain the material so that no more would enter the stream. You indicated that a machine could not get over to the point where the material was entering the stream. I informed you that there was a considerable amount of the oil trapped in pockets downstream and that the City of Springfield had erected an oil boom in Jordan Creek just upstream from Fremont Street and that a rainbow sheen could be observed on Jordan Creek at least two miles downstream. I left a copy of the Federal Register,

Mr. Jim Donoho, Manager

Page 2

March 6, 1979

Volume 38, Number 237 - Tuesday, December 11, 1973 concerning Oil Pollution Prevention and Spill Prevention Control & Countermeasure Plans.

I again returned to the spill site at 3:00 p.m., March 2, 1978 at which time you had a backhoe constructing an earthen containment around the tank. I then escorted you downstream to where a pocket of the oil was skimmed off the water by brushy debris and informed you that this oil should be removed from the stream as there were severe thunderstorm warnings issued by the U.S. Weather Service for the evening of March 2, 1979. You indicated that you did not think that you could pump the oil from the stream and that you had nothing to pump the oil into and furthermore indicated that the oil was of no great concern to you in that it was certainly no "catastrophe". You also indicated that you did not feel that you were covered under the provisions of the Oil Pollution Prevention Rules and Regulations of the Environmental Protection Agency as you were a "little guy" and located in "lowlands" and the amount of oil spilled was of little concern and did not enter "navigable waters."

I then informed you that if you had no plans for removing the oil from the stream, that the City of Springfield had ordinance provisions to provide materials and manpower to do so and would seek recovery of costs from you for performing this service. You said that "we", meaning the City, could do whatever "we" wanted to do but that you did not think it would do any good. You indicated that you would try to get a backhoe to divert the stream around the pocket of oil in the stream, but that if it rained it would wash it all away anyway. This attempt apparently failed as the backhoe left the scene at about 4:30 p.m.

I then dispatched City personnel and materials to the scene and the oil was removed from the stream using absorbent pads and placed in four (4) 55 gallon drums. The drums containing the oil and absorptive materials were then transported back to your property. The cleanup activity was concluded at about 7:00 p.m., March 2, 1979.

At 9:00 a.m. Monday, March 5, 1979, J. D. Slaughter of the City of Springfield contacted you and informed you that the oil could not be buried on your property or in the City of Springfield Landfill, as it is considered a hazardous material. You were also informed that you could not burn this material on your property either. You indicated that you would take care of its disposal, but did not indicate in what manner. Mr. Slaughter gave you the telephone number of the Missouri Department of Natural Resources for information as to where you may dispose of this material.

The ordinances of the City provide for recovery of the costs involved in the abatement of a violation under emergency conditions. Payment of those costs

Mr. Jim Donoho, Manager
Page 3
March 6, 1979

should be made to the City of Springfield, Sanitary Services, and sent to:

City of Springfield
City Hall, Room 210
830 Boonville
Springfield, Missouri 65802
Attention: Mr. Robert R. Schaefer, P.E.

Attached to this letter, please find a detailed explanation of the costs involved. If you have any questions, please feel free to call.

Yours truly,

J. Randall Lyman
Water Pollution Control Inspector
Surveillance and Enforcement

JRL:pg

Attachment

cc: ✓ Robert R. Schaefer, Superintendent of Sanitary Services
John Nixon, Missouri Department of Natural Resources
Fred Fantauzzi, Director of Finance

CUNNINGHAM EQUIPMENT COMPANY - SPILL CLEANUP

March 1, 1979 - Thursday

Materials

1 8 ft. Absorbent Boom @ \$27.00 ea.	=	\$27.00
8 36" x 36" Absorbent Sheets @ \$0.95 ea.	=	7.60
		<u>\$34.60</u>

Personnel

S.D.S. - 2 hours @ \$8.61	=	\$17.22
E.D.P. - 2 hours @ \$11.00	=	22.00
J.D.S. - 2 hours @ \$7.70	=	15.40
J.R.L. - 2 hours @ \$11.00	=	22.00
		<u>\$76.62</u>

Equipment

P2-22 - 6 miles @ 0.15/mile	=	0.90
P2-24 - 6 miles @ 0.15/mile	=	0.90
		<u>\$1.80</u>

March 2, 1979 - Friday

Materials

70 36" x 36" Absorbent Sheets @ \$0.95 ea.	=	\$66.50
4 Drums @ \$3.125 ea.	=	12.50
		<u>\$79.00</u>

Personnel

R.E.C. - 2 hours x 1.5 @ \$11.00	=	\$33.00
K.A.C. - 2 hours x 1.5 @ 7.70	=	23.10
S.D.S. - 1 hour @ 8.61	=	8.61
2 hours x 1.5 @ 8.61	=	25.83
E.D.P. - 1 hour @ 11.00	=	11.00
2 hours x 1.5 @ 11.00	=	33.00
J.D.S. - 2 hours @ 7.70	=	15.40
2 hours x 1.5 @ 7.70	=	23.10
J.R.L. - 2 hours @ 11.00	=	22.00
2 hours x 1.5 @ 11.00	=	33.00
		<u>\$228.04</u>

Equipment

P2-22 - 5 miles @ 0.15/mile	=	0.75
P2-24 - 5 miles @ 0.15/mile	=	0.75
P2-7 - 5 miles @ 0.15/mile	=	0.75
T1-60 - 5 miles @ 0.15/mile	=	0.75
		<u>3.00</u>

Materials -	\$113.60
Personnel -	304.66
Equipment -	4.80
	<u>\$423.06</u>

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" box on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered ¢
☐ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery ¢
(CONSULT POSTMASTER FOR FEES) **|||||**

2. ARTICLE ADDRESSED TO:
**Jim Donoho, Manager
Cunningham Equip. Co.
1735 E. Trafficway**

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
928240

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent
Jim Donoho

4. DATE OF DELIVERY **4-25-79** POSTMARK

5. ADDRESS (Complete only if requested)
**Donoho
1735 E. Trafficway**

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

862-1945

April 24, 1979

CERTIFIED MAIL
Receipt No. 928240

Mr. Jim Donoho, Manager
Cunningham Equipment Company
1735 East Trafficway
Springfield, Missouri 65802

Dear Sirs:

Enclosed please find a copy of the letter sent to you requesting payment of the costs incurred by the City of Springfield for cleanup of an oil spill (3-2-79) from an oil storage tank at your facility. Also, please find the enclosed itemized bill.

Some forty (40) days have passed since this bill was sent to you and as of the writing of this letter the City has not yet received payment for these expenses. Please be advised that this matter will be turned over to the City Attorney for appropriate action if this office does not receive payment in full within fifteen (15) days from the date of this letter.

If you have any questions, please feel free to call.

Yours truly,

J. Randall Lyman
Water Pollution Control Inspector III
Surveillance and Enforcement

JRL:pg

Enclosures

cc: Robert R. Schaefer, Superintendent of Sanitary Services
Howard Wright, City Attorney

1735 E. Trafficway

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

"Randy"

ATTENTION OF Mr. Robert R. Schaefer

DATE April 9, 1979

DEPARTMENT Sanitary Services

Re: Cunningham Equipment Company

Mr. David Snider called this office after reading my letter of March 6, 1979 and indicated that we would probably not receive a reply or remittance of payment. Thirty days have elapsed now and we have not received payment from Mr. Donoho--to my knowledge. Mr. Snider advised us to forward the file to the Law Department for further action.

Mr. Donoho called and told me that my letter did not tell the "whole story" and that he felt I was "out to get him" and to "impress" someone. If any additional information is needed, let me know.

*Note letter in file of May 9, 1979
April 24, 1979. 15 days have elapsed. Please
forward to Law Dept.
J.R.L.*

1735 E. Trafficway

SIGNED

Randy
J. Randall Lyman

To _____

Date _____ Time _____ By _____

While You Were Out

Mr. *Don Jam*

of *Monroe*

- | | |
|------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Telephoned | <input type="checkbox"/> Called to See You |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Wants to See You |
| <input type="checkbox"/> Please Call Him | <input type="checkbox"/> Rush ! |

Phone *862-1945*

Message *after 866-0199*

Letter from City
Chapman -
out tank

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Mr. Robert R. Schaefer

DATE April 9, 1979

DEPARTMENT Sanitary Services

Re: Cunningham Equipment Company

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SIGNED _____

1735 E. TRAFFICWAY

J. Randall Lyman

PS Form 3811, April 1977

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☐ Show to whom and date delivered ¢
☒ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

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 Mr. Jim Donoho, Manager
 Cunningham Equipment Co.
 1735 E. Trafficway
 Springfield, MD 65802

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 928209 |

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent

4. *Jim Donoho*
 DATE OF DELIVERY *3-9-79* POSTMARK

5. ADDRESS (Complete only if requested)
Jim Donoho
1735 E. Trafficway

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO

March 6, 1979

CERTIFIED LETTER
Receipt No. 038200

Mr. Jim Donoho, Manager
Cunningham Equipment Company
1735 East Trafficway
Springfield, Missouri 65802

Dear Sir:

On Thursday, March 1, 1979, personnel from this office responded to a complaint concerning oil in Jordan Creek at Fort Street. After tracing back upstream it was found that the material was apparently entering the south branch of Jordan Creek from your property. Further inspection revealed that the material appeared to be hydraulic oil leaking from a large tank on your property.

At about 2:15 p.m., I contacted a secretary in your office and informed her of the problem and gave her the telephone numbers of the U.S. Environmental Protection Agency and the Missouri Department of Natural Resources and informed her of the requirements under the law for reporting spills.

At 9:30 a.m., March 2, 1979, I received a call from you indicating that you believed the leak was from a burst fitting on the west end and bottom of the tank and you were trying to get it repaired. At 8:45 I received a call from Mr. Bill Pedicino of the U.S. Environmental Protection Agency in Kansas City, Missouri, who indicated that you had reported that 25-30 gallons had been spilled. I told him that I would return to the scene with a representative of the Missouri Department of Natural Resources.

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1735 E. TRAFFICWAY

Mr. Jim Donoho, Manager

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March 6, 1979

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March 6, 1979

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Yours truly,

J. Randall Lyman
Water Pollution Control Inspector
Surveillance and Enforcement

JRL:pg

Attachment

cc: Robert R. Schaefer, Superintendent of Sanitary Services
John Nixon, Missouri Department of Natural Resources
Fred Pantaussi, Director of Finance

CUNNINGHAM EQUIPMENT COMPANY - SPILL CLEANUP

March 1, 1979 - Thursday

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2 hours x 1.5 @ 11.00	=	33.00
J.D.S. - 2 hours @ 7.70	=	15.40
2 hours x 1.5 @ 7.70	=	23.10
J.R.L. - 2 hours @ 11.00	=	22.00
2 hours x 1.5 @ 11.00	=	33.00
		<u>\$228.04</u>

Equipment

P2-22 - 5 miles @ 0.15/mile	=	0.75
P2-24 - 5 miles @ 0.15/mile	=	0.75
P2-7 - 5 miles @ 0.15/mile	=	0.75
T1-60 - 5 miles @ 0.15/mile	=	0.75
		<u>3.00</u>

Materials - \$113.60

Personnel - 304.66

Equipment - 4.80

\$423.06

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Memo to File

DATE March 5, 1979

DEPARTMENT _____


Re: Cunningham Equipment Company

On March 2, 1979, J. D. Slaughter and myself agreed that 400-500 gallons total had been spilled as opposed to 50-55 gallons as Mr. Donoho estimated. Approximately 100-125 gallons of oil was removed from the pool by the City and another 200 gallons was puddled on his property.

On March 5, 1979, J. D. Slaughter went to Mr. Donoho's office and informed him of the four drums containing the oil and pads and told him he could not burn or bury this on his property or send it to the City Landfill. J. D. offered him D.N.R. phone number for disposal information and he said he had the number as we had given it to him previously.

Copy of letter to Mr. Donoho sent to Bill Pedicino, E.P.A. and a copy to Larry Childress for Steven Townley in Jefferson City.

1735 E. TRAFFICWAY

SIGNED 
J. Randall Lyman

August 28, 1978

Mr. Jim Donoho
c/o Cunningham Equipment Co.
Room 201
1735 East Trafficway
Springfield, Missouri 65802

Dear Mr. Donoho:

This is with reference to my letter to you of August 18, 1978, and your subsequent visit to this office at 9:00 A.M. on August 22.

Both the letter and the visit concerned the upper Jordan Creek which runs through your property just west of Glenstone.

On Thursday, August 24th, I made another field inspection of this area in question. As you stated, it is almost impossible to determine the condition of the stream bed of the upper Jordan. I was able to determine, though, there are restrictions in the channel but how severe and to what extent, I cannot ascertain. I do know this, there are some 5-gallon containers which have marked on them hydraulic oil stacked on your property. Approximately 100 yards downstream from this stack I noticed approximately 25 of these containers lodged in the stream bed, one of them was even on the railroad trackage. I must assume these are yours and should advise you that if they are found to have oil within them, this would constitute an illegal spill and this falls under the Environmental Protection Agency Rules & Regulations. So, I would suggest that you at least check into this matter and correct it immediately as there are very serious fines and penalties associated with oil spills.

I plan to revisit this stream in November when the foliage is gone to better determine the restrictions that might be in the stream and on whose property this may have occurred. Therefore, that portion of my letter of August 18th is null and void until I can make a further determination.

With regard to the pipe and the roadway crossing the upper Jordan Creek just west of Glenstone, I have rechecked this pipe again and it is a 72-inch (6 ft.) diameter pipe with no siltation in the bottom. The area of this pipe is approximately 28 square feet. Making a rough measurement of the stream bed, underneath the Glenstone Viaduct, there is a nominal 3 ft. x 20 ft. stream bed capacity at approximately the same elevation as the pipe which amounts to 60 square feet of carrying capacity. At Fremont Avenue there is a double 6 ft. x 5 ft. culvert which is also 60 square feet. Therefore, I must advise you this pipe, which

1735 E. TRAFFICWAY

Mr. Jim Donoho

- 2 -

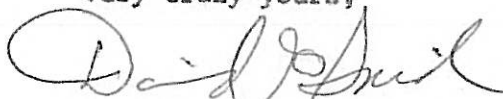
August 28, 1978

I realize was not placed by you but it is now under your control and on your property, must either be removed or a pipe at least 6-ft. in diameter must be placed adjacent to this pipe if it is to remain in place.

Because of the threat of fall rains, I can only extend the original September 1, deadline to September 15, 1978. Failure to comply with either removing the existing 6-ft. pipe or adding an additional 6-ft. pipe by that date will cause other legal action to take place.

I do wish to emphasize that I understand completely your position in the fact that you bought this land with some of the problems already inherent and the fact that flooding occurs up and down the Jordan on a more or less regular basis. As I stated earlier, I will look into the total problem later this fall when conditions will allow; but immediately, there is a restriction with only the one 6-ft. pipe in place and since the stream bed as well as an existing downstream box culvert have doubled the capacity of the pipe on your property, I have no choice but to order that this restriction be removed in accordance with General Ordinances 2453 & 2487, copies of which I sent to you on August 18, 1978.

Very truly yours,



David G. Snider, P.E.
Director of Public Works

DGS/ec

cc: Howard Wright, City Attorney
Don Busch, City Manager
C. Criswell, San.Serv.